

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES A. FOGUTH, ALAN
W.FOGUTH,

Plaintiffs,

v.

DISCOVER BANK,

Defendants.

/

Case No. 25-10274

Matthew F. Leitman

United States District Judge

Curtis Ivy, Jr.

United States Magistrate Judge

ORDER REGARDING PLAINTIFFS' MOTION TO SEAL

On February 19, 2025, Plaintiff James A. Foguth filed a motion to seal as well as the documents he would like sealed. (ECF Nos. 12, 13). While the Court docketed and made the motion itself publicly available, the Court sealed the other documents he submitted. To be clear, doing so does not mean that the motion is granted. Rather, the Court sealed these documents because they appear to consist of discovery documents and, as explained in the Court's prior Order, (ECF No. 10), discovery can be filed only in a few limited circumstances. *See* E.D. Mich. LR 26.2(a); Fed. R. Civ. P. 5(d)(1). As far as the Court can tell, the documents are unrelated to any pending motion before the Court. (*See* ECF No. 3 (Plaintiffs' motion to remand); ECF No. 5 (Defendant's motion to compel or, in the alternative, to dismiss)). Plaintiffs must submit discovery directly to Defendant—in other words, Plaintiffs cannot serve discovery on Defendant by filing them on

the docket in this case. Furthermore, the Court strongly urges Plaintiff to review Local Rule 26.2 as this is the second time this month the Court has stricken Plaintiffs' discovery from the docket.

Accordingly, Plaintiffs' motion is **DENIED** and **ORDERS** that the documents related to Plaintiffs' motion be **STRICKEN**.¹

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: February 21, 2025

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge

CERTIFICATE OF SERVICE

¹ In striking these documents here, the Court makes no finding or ruling about Defendant's obligations with respect to Plaintiffs' personal information. That is an issue to be addressed, if at all, at a later date.

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on February 21, 2025.

s/Sara Krause
Case Manager
(810) 341-7850